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EXAMINER

MAMMEN, NATHAN SCOTT

ART UNIT PAPER NUMBER

3671

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

# Office Action Summary

Application No.

09/823,955

Applicant(s)

ARORA ET AL.

Examiner

Nathan S Mammen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 7-28 are objected to because of the following informalities: A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

The dependent claims in the claim set of 7-28 depend from claim 1 but are separated by claims which do not depend from claim 1.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-26, 28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Durand et al. (U.S. Patent 6,272,467).

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The Durand '467 patent discloses a method for matching users preferences with item characteristics (member profile) in an electronic database. The items are stored in a database along with associated attributes and values (Fig. 3a and 3b). The database is coupled to a processor (col. 6, lines 9-24) and a user input device (a touch-tone telephone). The method comprises the steps of accepting signals from the user input devices to allow a user to specify preferences in the forms of attributes and values (co. 8, lines 41-65) and using the processor to identify one or more matches by using a weighted comparison among the values in the preferences and at least one value in the database (col. 10, line 45 – col. 12, line 53).

Regarding claims 2-26, 28-31: The comparison can be continuous/linear (i.e., meeting the minimum requirements of a user) or discontinuous/non-linear (i.e., the item most closely meeting the user's desired preferences). The user is informed of best matches by identifying matches and selecting the best match as well as identifying matches that are not the strongest (col. 18, lines 15-56). The selected match is the one that results in the highest profit margin (i.e., the match that is most likely to be profitable (i.e., successful) for the user). The method includes the steps of indicating more than one match to a user and initiating a transaction (i.e., sending the match information to the user) based on the matches (col. 18, line 16 – col. 19, line 49). An attribute (18) can have multiple selections per attribute. The item composes both goods (voice-mails of matches) and services (performing the matching service). The method uses different weighting information for different buyers. An attribute includes the time at which an event occurs (e.g., birthdate – age). The method includes a locating attribute (col. 13, line 2-24), an education attribute (col. 17, line 5-15), a size and weight attribute (col. 13, line 53 – col. 14, line 67). The method further comprises the step of substituting attributes (col. 10, line 45 – col. 11, line 13).

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durand et al. (U.S. Patent 6,272,467).

The Durand '467 patent disclose the claimed invention, as stated in paragraph 3 above, except for the matches being identified by epsilon complementary slackness. It would have been an obvious matter of design choice to utilize epsilon complementary slackness in determining the weighting, since the examiner takes OFFICIAL NOTICE of the equivalence of epsilon complementary slackness with other weighting factors for their use in the art of value weighting and the selection of any one of these known equivalents would have been obvious to one having ordinary skill in the art.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sammon, Jr. et al., U.S. Patent No. 6,012,051, discloses a system for making product choices based on a user's preferences. See Fig. 2. Khedkar et al, U.S. Patent No. 6,609,118, discloses a method for property valuation using inputs (Fig. 3) to make comparisons and value determinations. Carter et al., U.S. Patent No. 6,574,607, discloses a method using a client's preferences to satisfy their request. See Abstract. Jacobs, U.S. Patent No. 5,550,746, discloses a


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method for using a customer's preferences to calculate the suitability of products or services. See Abstract. Eldering, U.S. Patent 6,298,348, discloses a consumer profiling system. See Abstract. Bieganski, U.S. Patent 6,321,221, discloses a method for increasing a user's value of recommendations. See Abstract.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.

  
**Robert Pezzuto**  
**Primary Examiner**  
**Group 3600**

**NSM**  
**9/22/03**

**Nathan S. Mammen**